



# WEST VIRGINIA REGISTER

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### AGENCY

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**CHRONOLOGICAL INDEX, VOLUME XXIX ISSUE 6**

**NEW PROPOSED RULES FILED FOR PUBLIC COMMENT THIS WEEK**

<u><b>AGENCY</b></u>	<u><b>RULE/TYPE</b></u>	<u><b>AUTHORITY</b></u>	<u><b>HEARING/COMMENT PERIOD/LOCATION</b></u>
Health Care Authority (65-28)	West Virginia Health Information Network Rule Legislative	§§16-29G-7 and 16-29B-8(a)(1)	Written Comment Only March 9, 2012, 10:00 a.m. West Virginia Health Information Network 100 Dee Drive Charleston, WV 25311 Attn: Philip Weikle, Chief Operating Officer

**NO NEW EMERGENCY RULES WERE FILED THIS WEEK**

<u><b>AGENCY</b></u>	<u><b>RULE/TYPE</b></u>	<u><b>AUTHORITY</b></u>	<u><b>EFFECTIVE DATE</b></u>	<u><b>DATE NOTICE FOR HEARING</b></u>
Health Care Authority (65-28)	West Virginia Health Information Network Rule	§§16-29G-7 and 16- 29B-8(a)(1)	ERD by March 21, 2012	March 9, 2012

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Agriculture, W.V. Department of <i>W.V. Aquaculture Advisory Board</i>	2/3/2012 3:29:43 PM	Regular Board Meeting	2/21/2012 1:00:00 PM Gus R. Douglass Agricultural Center at Guthrie 217 Gus R. Douglass Lane Charleston, WV 25312
Bluefield State College Board of Governors	12/9/2011 9:34:23 AM	Regular meeting of the BSC Board of Governors. General business of the Board will be considered at this time.	2/16/2012 6:45:00 PM Private Dining Room Harris-Jefferson Student Center Bluefield State College
Broadband Deployment Council	11/16/2011 11:28:21 AM	regular monthly meeting	2/15/2012 9:00:00 AM State Capitol Complex Building 6, Room 6A
Calhoun County Solid Waste Authority	2/8/2012 4:12:42 PM	Monthly meeting	2/18/2012 3:00:00 PM Cabot Recycling Station, 2 miles west of Grantsville on Rt. 5 at 2427 W. Little Kanawha Hwy
Commerce / Tourism / Film Office <i>Film Credit Development Committee</i>	1/25/2012 2:12:57 PM	Call to Order. Approval of Dec. 28, 2011 Minutes. Review of Applications (Executive Session). Vote on Applications (Open Session). New Business. Old Business. Adjourn.	2/15/2012 1:30:00 PM WV Division of Tourism Conference Room 90 MacCorkle Ave, SW South Charleston, WV 25303
Consolidated Public Retirement Board <i>Computer Update Committee</i>	1/30/2012 11:28:53 AM	To review RFP	2/17/2012 11:00:00 AM 4101 MacCorkle Avenue, SE Charleston, WV 25304
Deaf and Hard of Hearing, Commission for the	1/13/2012 4:10:04 PM	Quarterly Commission meeting. Meeting ends at 4:00 PM	2/6/2012 10:00:00 AM 405 Capitol Street 4th Floor Conference Room Charleston, WV
DHHR/Bureau for Medical Services <i>Office of Pharmacy Services</i>	2/6/2012 8:30:15 AM	To determine criteria for the Preferred Drug List.; Agenda; Drug Utilization Review Board Meeting, February 15, 2012, 4:00-6:00 p.m.; I.Introductions; II.Approval of Minutes for November 16, 2011, meeting; III.Old Business; A.Update on Letter and Report Card Initiative for Significant Opioid Prescribers; B.Utilization of Atypical Antipsychotics in Children-Data Review and Policy Considerations; IV.New Business; A. Presentation from manufacturers representative-Cayston; A. Update from P&T Committee meeting- January 25, 2012-PA criteria; Revisions; B.Draft Prior Authorization Criteria-Relistor; C.Draft Prior Authorization Criteria-Rectiv; D.Draft Prior Authorization Criteria-Votrient; E.Draft Prior Authorization Criteria-Rilutek; F.Draft Prior Authorization Criteria-Onfi; G.Stimulant Dosing-Data Review and Policy Considerations; V.Reports; A. Rational Drug Therapy Program; B. Affiliated Computer Services (ACS); C. Molina Fourth Quarter Report-2011; VI.Other Business - Open to the Floor; VII.Next Meeting* and Adjournment -; *Wednesday, May 23, 2012	2/15/2012 4:00:00 PM 350 Capitol Street, Rooms B10 and B11 Charleston WV 25301

\*This meeting was filed late and does not comply with the Open Governmental Proceedings Act  
! This meeting was filed as an emergency and does comply with the Open Governmental Proceedings Act

MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Division of Personnel <i>State Personnel Board</i>	2/2/2012 2:43:34 PM	Purpose: Regular monthly meeting of the State Personnel Board. The Agenda may be found on the Division of Personnels website prior to the actual meeting date at <a href="http://www.state.wv.us/admin/personnel/">http://www.state.wv.us/admin/personnel/</a> .	2/16/2012 2:00:00 PM WV Division of Personnel Building 6, Room 425 1900 Kanawha Blvd., E. Charleston, WV
DNR, WV <i>Law Enforcement</i>	1/23/2012 12:01:03 PM	Application for Captive Cervid Facility License for Luke A. Barber dba Lightning Creek Whitetails.	2/22/2012 6:00:00 PM Westover City Hall 500 Dupont Road Westover, WV 26501-9629
DOA <i>GOVERNOR'S COMMITTEE FOR THE PURCHASE OF COMMODITIES AND SERVICES FROM THE HANDICAPPED</i>	1/12/2012 2:34:12 PM	SET FAIR MARKET VALUE PRICING ON COMMODITIES	2/15/2012 10:00:00 AM GOODWILL INDUSTRIES 215 VIRGINIA STREET WEST CHARLESTON, WV
Early Childhood Advisory Council of WV	1/25/2012 9:58:46 AM	Regular Business	2/16/2012 10:00:00 AM Center for Professional Development 209 Hale Street Charleston, WV 25301
Eastern WV Community & Technical College <i>Board of Governors</i>	2/2/2012 8:32:30 AM	Regular meeting of the Board of Governors.	2/15/2012 12:00:00 PM Eastern Campus Board Room 316 Eastern Drive Moorefield, WV 26836
Economic Development Authority	2/8/2012 3:36:45 PM	Regular monthly meeting. The Board of Directors will also consider a Supplemental Resolution authorizing and directing the issuance of Lease Revenue Refunding Bonds (The Diamond Project), in a total amount not to exceed \$28,000,000.	2/16/2012 10:00:00 AM NorthGate Business Park 160 Association Drive Charleston, West Virginia
Education	2/1/2012 9:54:51 AM	The West Virginia Board of Education will meet to discuss academic initiatives that are under way in West Virginia; other business may be conducted if required. The agenda for this meeting will be posted at <a href="http://wvde.state.wv.us">http://wvde.state.wv.us</a> at least three business days prior to the meeting.	2/22/2012 10:00:00 AM Capitol Building 6, Room 353 1900 Kanawha Boulevard, East Charleston, West Virginia
Fairmont State University <i>Board of Governors</i>	12/20/2011 9:16:13 AM	Regular Scheduled Meeting	2/16/2012 9:00:00 AM 1201 Locust Avenue 3rd Floor Falcon Center, Board Room Fairmont, WV 26554
Forestry, Division of <i>Urban &amp; Community Forestry Council</i>	1/12/2012 12:08:31 PM	Regular meeting of advisory Council to state urban forestry program.	2/15/2012 10:00:00 AM Ryans Restaurant Emily Drive Bridgeport, WV

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Higher Education Policy Commission  <i>Committee of the Whole</i>	2/1/2012 3:55:27 PM	To conduct regular business	2/17/2012 10:00:00 AM 1740 Union Carbide Drive, West Virginia Regional Technology Park, Building 740, 1st Floor, Auditorium, South Charleston
Housing Development Fund, West Virginia  <i>Audit Committee</i>	2/7/2012 9:41:41 AM	Minutes of the January 19, 2012 meeting; Consideration of Fund Lending Policies; Consideration of Changes to Whistle Blower Policy; Legal Report; Executive Session as provided for under WV Code §6-9A-4(b)(2)(A); Other urgent business	2/16/2012 8:00:00 AM West Virginia Housing Development Fund 5710 MacCorkle Ave., SE Charleston, WV 25304
Housing Development Fund, West Virginia	2/7/2012 9:47:36 AM	Minutes of the January 19, 2012 Meeting; Consideration of the Financials for the Period Ended December 31, 2011; Report of the Audit Committee; Consideration of a Lending Policy; Update on Insurance Coverage for Housing Development Fund; Consideration of a Disposition Plan for the Funds 814 Virginia Street, East, property; Update regarding cooperation with U.S. Attorney investigation; Informational Item - Request for Proposal for Ad Agency; Executive Session as provided for under WV Code §6-9A-4(b)(2)(A); Other urgent business	2/16/2012 9:00:00 AM West Virginia Housing Development Fund 5710 MacCorkle Ave., SE Charleston, WV 25304
Insurance Commissioner  <i>Workers' Compensation Industrial Council</i>	2/8/2012 3:30:19 PM	Office of Judges Report; Workers Compensation Safety Study; Public Hearing on Title 85, Series 11, Employer Default, Enforcement, Collections and Related Matters; Old Business; New Business; Executive Session on Self-Insured Annual Renewals	2/16/2012 1:00:00 PM Offices of the WV Insurance Commissioner 1124 Smith Street, Room 400 Charleston, WV
Kanawha County Solid Waste Authority	2/6/2012 8:49:46 AM	Regular monthly meeting	2/21/2012 10:00:00 AM 600 Slack Street Charleston, WV
Kanawha County Solid Waste Authority	2/7/2012 10:43:54 AM	Emergency Meeting to discuss and act on HMM/ZMM consulting proposal	2/8/2012 10:00:00 AM 600 Slack Street Charleston
Labor  <i>Manufactured Housing</i>	1/25/2012 9:44:47 AM	Manufactured Housing Teleconference. Agenda: Application Approval; Recovery Fund Approval	2/15/2012 10:00:00 AM Division of Labor Bldg. 6, Room B 749 Charleston, WV 25305
Labor  <i>Contractor Licensing</i>	2/7/2012 3:57:16 PM	Contractor Licensing Board Meeting Agenda 1. Public Comment 2. Cease & Desist Orders 3. Disciplinary Hearings 4. General Discussion	2/16/2012 9:00:00 AM Office of the Division of Labor Bldg 6, Room 749 Charleston, WV 25305

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Lottery	2/7/2012 10:00:53 AM	Approval of video games of licensed or permitted video lottery terminal manufacturers Set agenda for the February 2012 monthly business meeting	2/15/2012 12:00:00 PM Conference call at Lottery headquarters 900 Pennsylvania Avenue Charleston, WV 25302
Lottery <i>Building Committee</i>	2/7/2012 10:02:19 AM	Monthly committee meeting	2/22/2012 9:00:00 AM Lottery headquarters 900 Pennsylvania Avenue Charleston, WV
Lottery <i>Finance/Audit &amp; Games/Rules/Security/Marketing Committees</i>	2/7/2012 10:04:01 AM	Monthly committee meetings	2/22/2012 10:00:00 AM Lottery headquarters 900 Pennsylvania Avenue Charleston, WV
Lottery <i>Commission meeting</i>	2/7/2012 10:05:25 AM	Monthly business meeting	2/22/2012 11:00:00 AM Lottery headquarters 900 Pennsylvania Avenue Charleston, WV
Marshall University <i>Board of Governors Executive Committee</i>	1/30/2012 4:27:28 PM	Review and approve the tentative board agenda.	2/15/2012 9:30:00 AM Old Main 216 Marshall University
Marshall University Research Corporation <i>Board of Directors</i>	11/1/2011 8:28:51 AM	To conduct the quarterly business of the Marshall University Research Corporation	2/15/2012 1:00:00 PM Marshall Memorial Student Center John Spotts Dining Room Marshall University Huntington Campus
Medicine, Board of <i>Legislative Committee</i>	12/21/2011 10:02:49 AM	The general purpose of this meeting is to discuss and transact regular business of the West Virginia Board of Medicine, which includes legislative issues of the Board.	2/13/2012 6:00:00 PM Medicine, Board of 101 Dee Drive Charleston, WV 25311
Mountwest Community & Technical College <i>Institutional Board of Governors</i>	1/20/2012 1:36:33 PM	Regularly scheduled monthly meeting of the Board	2/17/2012 8:00:00 AM Mountwest Cooking & Culinary Institute 917 Third Avenue Huntington, WV
Northern Panhandle Community Criminal Justice Board	2/2/2012 10:06:16 AM	Regularly scheduled quarterly meeting.	2/15/2012 11:00:00 AM Pier 12 Restaurant 30-12th Street Wellsburg, WV 26070
Optometry, WV Board of	*1/26/2012 1:54:39 PM	To conduct the business of the board.	2/4/2012 10:00:00 AM 179 Summers Street, Suite 231 Charleston, WV 25304

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Parkways Authority, West Virginia  <i>Facilities, Finance and Economic Development and Tourism (EDT) Committee</i>	2/8/2012 4:19:21 PM	Approval of minutes of the 1/19/2012 Facilities, Finance and EDT Committee Meeting; Update, discussion and/or decision(s) on: Maple Coal presentation to address drainage issues at Mahan; Repair or replacement of culvert under the southbound lanes at milepost 15.8; Design funds for shotcrete project; Highway and facility preliminary needs assessment for Fiscal Year 2012/2013 budget; Evaluation of development proposals for excess property adjacent to Tamarack; Legislative update; Tamarack Capital Needs; Tamarack General Manager's report; Tamarack financial report; the agenda for this meeting will be available three days in advance by calling 304-926-1900 or at the website www.wvturnpike.com; items of business may be added to the agenda up to 48 hours prior to the date of meeting.	2/16/2012 9:30:00 AM Tamarack Conference Center One Tamarack Park Beckley, WV 25801
Physical Therapy, WV Board of	12/8/2012 11:33:42 AM	Emergency meeting. Consideration of Disciplinary; Consideration of Questionable Applications; Consideration of Response for Licensee Question	2/15/2012 12:15:00 PM TELECONFERENCE WV Board of Physical Therapy 101 Dee Drive Charleston, WV 25311
Pierpont Community & Technical College  <i>Pierpont Board of Governors</i>	11/21/2011 4:26:01 PM	To conduct regular business.	2/21/2012 2:00:00 PM Falcon Center Board Room
Putnam County Development Authority  <i>Finance Committee</i>	12/1/2012 1:37:27 PM	Emergency meeting to discuss affairs of the Authority	2/3/2012 7:30:00 AM Putnam Co. Chamber Of Commerce Building 5664 State Route 34 Winfield, WV 25213
Racing Commission	2/7/2012 11:30:41 AM	Agenda will be posted at www.wvracingcommission.com	2/17/2012 10:30:00 AM Racing Commission Conference Room 106 Dee Drive, Suite 2 Charleston WV 25311
Racing Commission, West Virginia  <i>Thoroughbred Racing Rule Committee</i>	1/19/2012 9:12:49 AM	Business meeting	2/7/2012 9:00:00 AM Waterfront Place Hotel 2 Waterfront Place Morgantown, West Virginia 26501
Real Estate Appraiser Board  <i>Standards Committee</i>	12/29/2011 2:47:52 PM	To discuss complaints & disciplinary actions and make recommendations to the Board	2/7/2012 9:00:00 AM 2110 Kanawha Blvd., East Charleston, WV 25311
Registered Professional Nurses, West Virginia Board of Examiners	1/11/2012 9:41:25 AM	Regular Board Meeting	2/16/2012 9:00:00 AM Board Conference Room 101 Dee Drive, Suite 102 Charleston, WV 25311
RN Board	12/3/2012 2:50:55 PM	Emergency meeting. Consultation with legal counsel and related decisions	2/6/2012 1:00:00 PM RN Board 101 Dee Drive, Suite 102 Charleston, WV 25311

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
Ron Yost Personal Assistance Services Program  <i>Ron Yost Personal Assistance Services Program</i>	1/17/2012 12:03:28 PM	Board Meeting	2/7/2012 1:30:00 PM WV Statewide Independent Living Council 5010 C Fairlawn Ave. Institute
SOCIAL WORK, WV BOARD OF  <i>WV BOARD OF SOCIAL WORK</i>	1/28/2012 4:09:10 PM	TO CONDUCT OFFICIAL BUSINESS.	2/16/2012 1:30:00 PM MORGAN ROOM SECOND FLOOR CHARLESTON CONFERENCE CENTER 4TH AVENUE SOUTH CHARLESTON, WV
Solid Waste Management Board, WV	2/7/2012 8:32:09 AM	Financial Statements, Grant Status Report, Executive Director's Report, and Berkeley County Solid Waste Authority Commercial Solid Waste Facility Siting Plan Update.	2/15/2012 11:00:00 AM Conference Room 1041 DEP Headquarters 601 57th Street, SE Charleston, WV 25304
South Western WV Region 2 Workforce Investment Board  <i>Local Elected Officials &amp; Executive Committee</i>	2/8/2012 11:31:31 AM	Regular Joint Session	2/15/2012 2:00:00 PM Huntington WorkForce WV One-Stop Center 2699 Park Avenue Huntington WV
Southern West Virginia Community and Technical College  <i>Boone County Joint Administrative Board</i>	2/2/2012 5:11:35 PM	Quarterly meeting of the Boone County Joint Administrative Board of Southern West Virginia Community and Technical College and the Boone County Board of Education.	2/15/2012 9:00:00 AM Southern WV Community & Technical College 3505 Daniel Boone Parkway Suite A, Room 110 Foster, WV 25081
Southern West Virginia Community and Technical College  <i>Board of Governors</i>	1/4/2012 11:33:57 AM	Regular business meeting of the Southern West Virginia Community and Technical College Board of Governors. General business of the Board will be considered.	2/21/2012 6:00:00 PM Southern WV Community & Technical College 2900 Dempsey Branch Road Room 428 - Building C Mount Gay, WV
Southern West Virginia Community and Technical College  <i>Board of Governors Agenda Committee</i>	7/19/2011 10:54:16 AM	To establish the agenda for the February 21, 2012 meeting of the Southern West Virginia Community and Technical College Board of Governors.	2/7/2012 9:00:00 AM Southern WV Community & Technical College 2900 Dempsey Branch Road Room 428-Building C Mount Gay, WV and by Teleconference

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MEETING NOTICES			
Open Governmental Proceedings Act §6-9A et seq.			
Agency	Date Filed	Purpose	Meeting Date/Location
West Virginia University  <i>Health Science and Technology Academy (HSTA)</i>	1/6/2012 3:07:03 PM	The Health Sciences and Technology Academy (HSTA) is overseen by Local Governing Boards in their respective regions. The Local Governing Board meetings are an event where decisions are made regarding the day to day operation of the program in the region. Meetings topics include, but are not limited to: personnel, public relations/marketing, recruitment/retention of HSTA students, budget/expenditure requests, and student programming.	2/21/2012 5:00:00 PM Kanawha Region HSTA Office 4700 MacCorkle Ave., SE Charleston, WV 25304 Stephen Starks Board Room

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<u>PRICE LIST</u>		
<u>AGENCY</u>	<u>RULE/ORDER</u>	<u>AMOUNT</u>
Health Care Authority (65-28)	West Virginia Health Information Network Rule	\$6.40
Health Care Authority (65-28, emergency)	West Virginia Health Information Network Rule	\$6.80



## Natalie E. Tennant

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### GUIDE FOR USING THE RULE MONITOR IN THE STATE REGISTER

Column	1. Agency Name, (Title and Series Number)
Column	2. Rule Title, Price and Type
Column	3. Date Notice of Public Hearing or Comment Period Filed
Column	4. Date of Public Hearing or Last Date Comments Will Be Received
Column	5. Date Emergency Rule Filed, Emergency Amendments Filed, Emergency Rule Decision (ERD) Number & Date ERD Filed (Effective Date of Emergency Rule)
Column	6. Date Agency Approved Legislative Rules Filed.
Column	7. Date Review by the Legislative Rule-Making Review Committee & Action Taken **Please Note** The Board of Education, Board of Trustees & Board of Directors File Their Rules With the Educational Over-Sight Committee
Column	8. Legislative Action
Column	9. Date Agency Final Files Legislative, Procedural or Interpretive Rules. This is the Final Step for Procedural & Interpretive Rules
Column	10. Date Rule is Effective

- 
- Titles followed by an asterisk (\*\*) indicate that the rule is in effect as an emergency
  - Emergency rules will not have a "Notice" date until the agency files one but the rule will appear in Columns 1, 2 & 5. An Agency must file for either a public hearing or public comment period either before filing as an emergency or no more than 30 days after filing the rule as an emergency
  - If more than one date appears in a column, it means the agency has repeated that step (ex. - holding an additional public hearing)
  - If a particular step is not required by law for a particular rule, the "N/A" will appear in the excluded step column
  - Once a rule becomes effective & the effective date appears in Column 10, the rule will be removed from the monitor after the rule is distributed in the loose leaf version of the Code of State Rules

**CROSS REFERENCE OF RULE MONITOR TITLE NUMBERS AND AGENCIES**

<b><u>TITLE NUMBER</u></b>	<b><u>NAME OF AGENCY</u></b>
TITLE 3	BARBERS AND COSMETOLOGISTS
TITLE 7	PROFESSIONAL ENGINEERS
TITLE 10	LICENSED PRACTICAL NURSES
TITLE 11	MEDICINE
TITLE 13	OCCUPATIONAL THERAPY
TITLE 14	OPTOMETRY
TITLE 15	PHARMACY
TITLE 16	PHYSICAL THERAPY
TITLE 17	PSYCHOLOGISTS
TITLE 20	SANITARIANS
TITLE 24	OSTEOPATHY
TITLE 25	SOCIAL WORK EXAMINERS
TITLE 26	VETERINARY MEDICINE
TITLE 27	COUNSELING
TITLE 29	SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY
TITLE 33	OFFICE OF WASTE MANAGEMENT (FORMERLY PART OF TITLE 47)
TITLE 35	OFFICE OF OIL AND GAS
TITLE 36	COAL MINE HEALTH & SAFETY
TITLE 38	MINING & RECLAMATION
TITLE 42	LABOR
TITLE 45	OFFICE OF AIR QUALITY
TITLE 47	OFFICE OF WATER RESOURCES
TITLE 48	MINES TRAINING EDUCATION & CERTIFICATION
TITLE 56	MINERS' HEALTH, SAFETY AND TRAINING
TITLE 58	NATURAL RESOURCES
TITLE 60	ENVIRONMENTAL PROTECTION, SECRETARY'S OFFICE
TITLE 61	AGRICULTURE
TITLE 63	CONSERVATION AGENCY
TITLE 64	HEALTH
TITLE 65	HEALTH CARE AUTHORITY
TITLE 69	HEALTH & HUMAN RESOURCES
TITLE 76	SENIOR SERVICES
TITLE 78	HUMAN SERVICES
TITLE 81	STATE POLICE
TITLE 82	CULTURE AND HISTORY
TITLE 85	WORKERS COMPENSATION BY THE INSURANCE COMMISSION
TITLE 86	VETERANS AFFAIRS
TITLE 87	FIRE COMMISSION
TITLE 90	CORRECTIONS
TITLE 91	MOTOR VEHICLES
TITLE 94	REGIONAL JAIL & CORRECTIONAL FACILITY AUTHORITY
TITLE 96	WORKFORCE WEST VIRGINIA
TITLE 110	TAX DEPARTMENT
TITLE 112	TREASURER
TITLE 113	HEALTH INSURANCE PLAN
TITLE 114	INSURANCE
TITLE 126	EDUCATION
TITLE 127	SECONDARY SCHOOLS ACTIVITIES COMM.
TITLE 133	HIGHER EDUCATION POLICY COMMISSION
TITLE 135	COMMUNITY & TECHNICAL COLLEGE EDUCATION
TITLE 143	PERSONNEL
TITLE 144	TOURISM
TITLE 146	STATE ELECTION COMMISSION
TITLE 148	ADMINISTRATION
TITLE 149	CRIME, DELINQUENCY AND CORRECTION
TITLE 150	PUBLIC SERVICE COMMISSION
TITLE 153	SECRETARY OF STATE
TITLE 157	DIVISION OF HIGHWAYS
TITLE 158	ETHICS COMMISSION
TITLE 162	CONSOLIDATED PUBLIC RETIREMENT BOARD
TITLE 172	STATE RAIL AUTHORITY
TITLE 175	ALCOHOL BEVERAGE CONTROL COMMISSION
TITLE 176	ALCOHOL BEVERAGE CONTROL COMMISSION - BEER
TITLE 177	ATHLETIC COMMISSION
TITLE 178	RACING COMMISSION
TITLE 179	LOTTERY
TITLE 184	PARKWAYS ECONOMIC DEV. & TOURISM AUTHORITY
TITLE 190	REAL ESTATE APPRAISER LICENSING & CERTIFICATION BOARD
TITLE 191	FAMILY PROTECTION SERVICES BOARD
TITLE 199	EXPLOSIVES & BLASTING
TITLE 204	HATFIELD-MCCOY REGIONAL RECREATION AUTHORITY
TITLE 205	OUTDOOR HERITAGE CONSERVATION FUND
TITLE 207	COALFIELD COMMUNITY DEVELOPMENT
TITLE 210	GOHELP

**RULE MONITOR**

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Accountancy (1-1)	Board Rules and Rules of Professional Conduct \$8.00 Legislative	6/22/2011	7/22/2011	6/22/2011 Effective 8/3/2011 Amendment 7/28/2011 Effective 9/8/2011	7/28/2011	Approved 9/14/2011	SB 226 HB 4134		
Administration (148-22)	Certification for Small, Women and Minority-Owned Business \$4.40 Legislative	5/31/2011	7/1/2011		7/15/2011	Modified & Approved 9/14/2011 Filed 9/19/2011	SB 227 HB 4180		
Agriculture (61-2A)	Labeling of Imported Honey, Honey Products or Honey Bee By-Products, Adulterated Honey, Honey Products or Honey Bee By-Products Rule \$3.00 Legislative	6/27/2011	7/27/2011		7/29/2011	Modified & Approved 10/12/2011 Filed 10/19/2011	SB 229 HB 4181		
Agriculture (61-6D)	Nutrient Management Certification \$3.00 Legislative	6/10/2011	7/13/2011		7/29/2011	Modified & Approved 10/12/2011 Filed 10/19/2011	SB 230 HB 4182		
Agriculture (61-16)	Inspection of Meat and Poultry \$4.60 Legislative	6/2/2011	7/15/2011		7/27/2011	Approved 10/12/2011	SB 228 HB 4135		
Air Quality (45-8)	Ambient Air Quality Standards \$17.70 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 256 HB 4153		
Air Quality (45-14)	Permits for Construction and Major Modification of Major Stationary Sources for the Prevention of Significant Deterioration of Air Quality \$15.20 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 247 HB 4144		
Air Quality (45-16)	Standards of Performance for New Stationary Sources \$22.90 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 248 HB 4145		
Air Quality (45-18)	Control of Air Pollution from Combustion of Solid Waste \$23.10 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 249 HB 4146		

**RULE MONITOR**

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Air Quality (45-19)	Permits for Construction and Major Modification of Major Stationary Sources Which Cause or Contribute to Nonattainment Areas \$14.20 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 250 HB 4147		
Air Quality (45-25)	Control of Air Pollution from Hazardous Waste Treatment, Storage and Disposal Facilities \$12.40 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 251 HB 4148		
Air Quality (45-30)	Requirements for Operating Permits \$12.80 Legislative	1/11/2011 6/8/2011	2/14/2011 7/11/2011	12/21/2010 Effective 2/1/2011	3/16/2011	Approved 1/8/2012	SB 252 HB 4149		
Air Quality (45-34)	Emission Standards for Hazardous Air Pollutants \$41.60 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 253 HB 4150		
Air Quality (45-35)	Determining Conformity of General Federal Actions to Applicable Implementation Plans \$11.80 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 254 HB 4151		
Air Quality (45-42)	Repeal of – Greenhouse Gas Emissions Inventory Program \$8.60 Legislative	6/8/2011	7/11/2011		7/29/2011	Approved 1/8/2012	SB 255 HB 4152		
Alcohol Beverage Control Comm. (175-1)	Licensed Retailer Operations \$6.40 Legislative	6/2/2011	7/5/2011		7/13/2011	Modified & Approved 11/14/2011 Filed 11/21/2011	SB 231 HB 4183		
Alcohol Beverage Control Comm. (175-5)	Licensing of Retail Outlets \$10.20 Legislative	6/2/2011	7/5/2011		7/13/2011	Approved 11/14/2011	SB 232 HB 4136		
Athletic Commission (177-2)	Administrative Rules of the WV State Athletic Comm. Regulating Mixed Martial Arts \$7.40 Legislative	6/17/2011	7/18/2011	9/21/2011 Approved 11/1/2011	7/28/2011	Modified & Approved 12/14/2011 Filed 1/6/2012	SB 233 HB 4184		
Auditor's Office (155-4)	Transaction Fee and Rate Structure \$4.20 Legislative	6/23/2011	7/23/2011		7/29/2011	Approved 9/14/2011	SB 234 HB 4137		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Banking (106-5)	Rule Pertaining to Residential Mortgage Lenders, Brokers and Loan Originators \$6.80 Legislative	5/27/2011	7/1/2011		7/21/2011	Approved 9/14/2011	SB 235 HB 4138		
Barbers & Cosmetologists (3-1)	Procedures, Criteria and Curricula for Examination and Licensure of Barbers, Cosmetologists, Manicurists and Aestheticians \$12.50 Legislative	6/13/2011	7/18/2011		7/29/2011	Approved 9/14/2011	SB 236 HB 4139		
Barbers & Cosmetologists (3-3)	Rules and Regulations for Licensing Schools of Barbering and Beauty Culture \$3.20 Legislative	6/13/2011	7/18/211		7/29/2011	Modified & Approved 9/14/2011 Filed 9/20/2011	SB 237 HN 4185		
Barbers & Cosmetologists (3-8)	Shampoo Assistants \$5.00 Legislative	6/13/2011	7/18/2011		7/29/2011	Approved 9/14/2011	SB 238 HB 4140		
Coal Mine Health and Safety (36-47)	Hoisting Machinery; Telephones; Safety Devices; Hoisting Engineers and Drum Runners Legislative Exempt	10/5/2011	11/6/2011						
<b>THE ABOVE RULE HAS BEEN MIS-NUMBERED</b>									
Community & Technical College Ed. (135-7)	Technical Program Development and WV Advance Rapid Response Workforce Development \$4.00 Procedural	12/13/2011	1/13/2012					1/23/2012	2/23/2012
Community & Technical College Ed. (135-27)	Workforce Development Initiative Program \$4.80 Legislative	4/22/2011	5/23/2011	4/22/2011 Effective 4/22/2011	6/15/2011	Approved 10/11/2011	SB 170		
Community & Technical College Ed. (135-32)	Tuition and Fees \$5.40 Legislative	8/24/2011	9/26/2011		10/26/2011	Approved 11/15/2011	SB 170		
Consolidated Public Retirement Board (162-5)	Public Employees Retirement System \$4.00 Legislative	6/3/2011	7/5/2011	5/12/2011 Effective 6/23/2011	7/27/2011	Modified & Approved 9/14/2011 Filed 9/23/2011	SB 239 HB 4186		
Consolidated Public Retirement Board (162-7)	Refund, Reinstatement, Retroactive Service, Loan and Employer Error Interest Factors \$5.00 Legislative	6/3/2011	7/5/2011		7/27/2011	Approved 9/14/2011	SB 240 HB 4141		



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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Consolidated Public Retirement Board (162-9)	West Virginia State Police \$5.60 Legislative	6/3/2011	7/5/2011	5/12/2011 Effective 6/23/2011	7/27/2011	Approved 9/14/2011	SB 241 HB 4142		
Corrections (90-8)	Fees for Electronic Monitoring of Offenders \$3.60 Legislative	4/11/2011	5/16/2011		5/23/2011	Modified & Approved 7/13/2011 Filed 7/20/2011	SB 242 HB 4187		
Courthouse Facilities Improvement Auth. (203-1)	Courthouse Facilities Improvement Authority \$3.00 Legislative	7/26/2011	8/31/2011		9/1/2011	Modified & Approved 1/8/2012 Filed 1/11/2012	SB 243 HB 4188		
Crime, Delinquency and Correction (149-2)	Law Enforcement Training Standards \$8.60 Legislative	6/2/2011	7/6/2011	6/2/2011 Approved 7/6/2011	7/28/2011	Modified & Approved 12/14/2011 Filed 1/3/2012	SB 268 HB 4196		
Crime, Delinquency and Correction (149-6)	Motor Vehicle Search Standards \$2.80 Legislative	6/3/2011	7/6/2011		7/28/2011	Modified & Approved 12/14/2011 Filed 1/3/2012	SB 269 HB 4197		
Deaf and Hard of Hearing (192-1)	Fees for Qualified Interpreters \$5.80 Legislative	6/30/2011	7/29/2011		7/29/2011	Approved 11/14/2011	SB 244 HB 4143		
Deaf and Hard of Hearing (192-3)	Establishment of Required Qualifications and Ethical Standards for Interpreters and Translitterators \$3.80 Legislative	6/30/2011	7/29/2011		7/29/2011	Modified & Approved 11/14/2011 Filed 12/1/2011	SB 245 HB 4189		
Dental Examiners (5-3)	Fees Established by the Board \$3.00 Legislative	6/24/2011	7/26/2011		7/29/2011	Modified & Approved 10/11/2011 Filed 10/21/2011	SB 246 HB 4190		
Development Office (145-7)	Neighborhood Investment Program Act \$5.80 Procedural	8/3/2011	9/3/2011					1/6/2012	2/6/2012
Development Office (145-11)	Brownfield Economic Development Districts \$6.40 Legislative	6/1/2011	7/1/2011		7/5/2011	Modified & Approved 12/14/2011 Filed 12/23/2011	SB 260 HB 4191		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Development Office (145-13)	Use of Coalbed Methane Severance Tax Proceeds \$3.20 Legislative	6/13/2011	7/13/2011	6/13/2011 Approved 7/6/2011 Amendment 12/16/2011	7/14/2011	Modified & Approved 12/14/2011 Filed 12/16/2011	SB 261 HB 4192		
Education (126-16)	Regulations for the Education of Students with Exceptionalities (2419) \$22.20 Legislative Exempt	12/19/2011	1/10/2012 1/24/2012 2/7/2012 2/13/2012						
Education (126-36)	Instructional Resources Adoption: Notice, Request and Instructions to Publishers (2445.41) \$9.80 Legislative Exempt	11/9/2011	12/9/2011						
Education (126-41)	Educational Purpose and Acceptable Use of Electronic Resources, Technologies and the Internet (2460) \$9.60 Legislative Exempt	1/12/2012	2/13/2012						
Education (126-44D)	Next Generation Content Standards and Objectives for Social Studies in WV Schools (2520.4) \$20.20 Legislative Exempt	1/12/2012	2/13/2012						
Education (126-99)	Expected Behavior in Safe and Supportive Schools (4373) \$15.00 Legislative Exempt	9/9/2011	11/8/2011					12/16/2011	7/1/2012
Education (126-114)	Approval of Educational Personnel Preparation Programs (5100) \$18.50 Legislative Exempt	11/9/2011	12/9/2011						
Education (126-136)	Minimum Requirements for the Licensure of Professional / Paraprofessional Personnel and Advanced Salary Classifications (5202) \$24.40 Legislative Exempt	7/15/2011	8/15/2011					9/9/2011	10/11/2011
Education (126-136)	Minimum Requirements for the Licensure of Professional/Paraprofessional Personnel and Advanced Salary Classifications (5202) \$23.20 Legislative Exempt	11/9/2011	12/9/2011						

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Environmental Protection Secretary's Office (60-3)	Voluntary Remediation and Redevelopment Rule \$18.60 Legislative	6/10/2011	7/12/2011		7/29/2011	Approved 1/8/2012	SB 257 HB 4154		
Foresters (200-1)	Certification of Registered Foresters \$3.40 Legislative	6/30/2011	7/29/2011		8/3/2011	Modified & Approved 11/14/2011 Filed 12/5/2011	SB 262 HB 4193		
Foresters (200-4)	Schedule of Fees \$2.40 Legislative	6/30/2011	7/29/2011		8/3/2011	Modified & Approved 11/14/2011 Filed 12/5/2011	SB 263 HB 4194		
Foresters (200-5)	Code of Ethics \$2.80 Legislative	6/30/2011	7/29/2011		8/3/2011	Modified & Approved 11/14/2011 Filed 12/5/2011	SB 264 HB 4195		
Forestry (22-2)	Sediment Control During Commercial Timber-Harvesting Operations-Licensing \$4.40 Legislative	5/27/2011	6/28/2011		7/20/2011	Approved 9/14/2011	SB 265 HB 4157		
Forestry (22-3)	Sediment Control During Commercial Timber-Harvesting Operations-Logger Certification \$4.20 Legislative	5/27/2011	6/28/2011		7/20/2011	Approved 9/14/2011	SB 266 HB 4158		
Health (64-3)	Public Water Systems \$4.00 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 11/16/2011 Filed 12/1/2011	SB 273 HB 4200		
Health (64-4)	Public Water Systems Operators Regulations \$4.80 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 12/14/2011 Filed 12/30/2011	SB 275 HB 4202		
Health (64-5)	Wastewater Systems and Operators \$5.40 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 12/14/2011 Filed 12/30/2011	SB 277 HB 4204		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Health (64-32)	Vital Statistics \$6.20 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 11/16/2011 Filed 12/1/2011	SB 274 HB 4201		
Health (64-40)	Manufactured Home Communities \$5.40 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 11/16/2011 Filed 12/1/2011	SB 276 HB 4203		
Health (64-64)	Aids-Related Medical Testing and Confidentiality \$5.00 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 11/16/2011 Filed 12/1/2011	SB 278 HB 4205		
Health (64-77)	Public Water Systems Design Standards \$16.50 Legislative	6/17/2011	7/18/2011		7/29/2011	Approved 12/14/2011	SB 279 HB 4161		
Health (64-89B)	Credentialing Verification Organization \$3.60 Legislative	6/8/2011	7/8/2011		7/28/2011	Modified & Approved 11/16/2011 Filed 12/9/2011	SB 271 HB 4199		
Health (64-98)	Safety and Treatment Program \$3.40 Legislative	6/30/2011	7/29/2011	6/30/2011 Effective 8/11/2011	7/29/2011	Modified & Approved 11/16/2011 Filed 12/14/2011	SB 270 HB 4198		
Health Care Authority (65-28)	WV Health Information Network Rule \$6.40 Legislative	12/12/2011 2/8/2012	1/11/2012 3/9/2012	2/8/2012 ERD by 3/21/2012					
Health Insurance Plan (113-1)	Premium Subsidy \$4.00 Legislative	6/8/2011	7/8/2011	6/9/2011 Approved 6/30/2011	7/28/2011	Approved 10/11/2011	SB 272 HB 4160		
Higher Education Policy Comm. (133-32)	Tuition and Fee Policy \$5.80 Legislative	8/9/2011 9/13/2011	9/8/2011 10/13/2011		12/12/2011	Approved 12/13/2011	SB 170		
Highways (157-3)	Construction and Reconstruction of State Roads \$16.80 Legislative	5/27/2011	6/27/2011		7/21/2011	Modified & Approved 1/8/2012 Filed 1/10/2012	SB 280 HB 4206		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Highways (157-7)	Transportation of Hazardous Wastes Upon the Roads and Highways \$4.80 Legislative	5/27/2011	6/27/2011		7/8/2011	Approved 1/8/2012	SB 281 HB 4162		
Human Rights Comm. (77-9)	Housing Discrimination Against Persons with Disabilities Who Utilize Assistance Animals \$4.20 Legislative	6/29/2011	7/29/2011		7/29/2011	Approved 1/8/2012	SB 282 HB 4163		
Human Services (78-18)	Family Child Care Facility Licensing Requirements \$10.00 Legislative	6/24/2011	7/27/2011		7/29/2011	Modified & Approved 11/14/2011 Filed 11/23/2011	SB 283 HB 4207		
Human Services (78-19)	Family Child Care Home Registration Requirements \$9.60 Legislative	6/24/2011	7/25/2011		7/29/2011	Modified & Approved 11/14/2011 Filed 11/23/2011	SB 284 HB 4208		
Human Services (78-22)	Child Care Quality Rating and Improvement System \$9.80 Legislative	6/24/2011	7/27/2011		7/29/2011	Modified & Approved 11/14/2011 Filed 11/23/2011	SB 285 HB 4209		
Insurance Commission (114-2)	Licensing and Conduct of Insurance Producers and Agencies \$5.80 Legislative	6/8/2011	7/8/2011		7/28/2011	Approved 10/11/2011	SB 286 HB 4164		
Insurance Commission (114-20)	Surplus Lines Insurance \$11.20 Legislative	6/8/2011	7/8/2011	6/9/2011 Approved 6/30/2011 Amendment 8/3/2011 Effective 9/14/2011	7/28/2011	Approved 10/11/2011	SB 287 HB 4165		
Insurance Commission (114-35)	Insurance Holding Company Systems \$10.40 Legislative	6/8/2011	7/8/2011		7/28/2011	Modified & Approved 10/12/2011 Filed 10/21/2011	SB 288 HB 4210		
Insurance Commission (114-42)	Continuing Education for Individual Insurance Producers \$4.60 Legislative	6/8/2011	7/8/2011		7/28/2011	Modified & Approved 10/11/2011 Filed 10/21/2011	SB 289 HB 4211		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Insurance Commission (114-93)	Mini COBRA \$5.80 Legislative	6/8/2011	7/8/2011		7/28/2011	Approved 10/11/2011	SB 290 HB 4166		
Insurance Commission (114-94)	Workers' Compensation Insurance for State Agencies \$4.40 Legislative	6/24/2011	7/25/2011	6/24/2011 Approved 7/15/2011	7/28/2011	Approved 10/11/2011	SB 291 HB 4167		
Labor (42-10)	Zipline and Canopy Tour Responsibility Act \$3.40 Legislative	6/8/2011	7/8/2011	6/8/2011 Approved 6/23/2011	7/28/2011	Modified & Approved 10/12/2011 Filed 10/25/2011	SB 292 HB 4212		
Labor (42-17)	Amusement Rides and Amusement Attractions Safety Act \$4.60 Legislative	6/27/2011	7/27/2011		7/28/2011	Modified & Approved 10/12/2011 Filed 10/25/2011	SB 293 HB 4213		
Labor (42-21A)	Supervision of Elevator Mechanics and Apprentices \$4.00 Legislative	6/27/2011	7/27/2011		7/28/2011	Modified & Approved 10/12/2011 Filed 10/25/2011	SB 294 HB 4214		
Massage Therapy Licensure Bd. (194-1)	General Provisions \$9.60 Legislative	6/17/2011	7/18/2011	6/17/2011 Approved 7/22/2011	7/29/2011	Approved 9/14/2011	SB 295 HB 4168		
Massage Therapy Licensure Bd. (194-4)	Schedule of Fees \$8.40 Legislative	6/17/2011	7/18/2011	6/17/2011 Approved 7/22/2011	7/29/2011	Approved 11/14/2011	SB 296 HB 4169		
Medicine (11-7)	Formation and Approval of Professional Limited Liability Companies \$4.60 Legislative	5/18/2011	6/24/2011		7/12/2011	Approved 9/14/2011	SB 297 HB 4170		
Miners' Health, Safety and Training (56-14)	Rules & Regulations Governing the Application Process for the WV Innovative Mine Safety Technology Tax Credit Act \$3.00 Legislative	6/28/2011	7/28/2011		7/29/2011	Modified & Approved 11/14/2011 Filed 11/22/2011	SB 298 HB 4215		
Motor Vehicles (91-13)	Compulsory Motor Vehicle Liability Insurance \$4.80 Legislative	6/14/2011	7/19/2011		7/29/2011	Modified & Approved 10/12/2011 Filed 10/20/2011	SB 299 HB 4216		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Natural Resources (58-26)	Special Boating Rules \$3.40 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 300 HB 4217		
Natural Resources (58-27)	Special Motorboating Regulations \$2.60 Legislative	6/8/2011	7/8/2011	5/25/2011 Effective 7/6/2011	7/26/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 301 HB 4218		
Natural Resources (58-45A)	Hunting, Trapping and Fishing Provisions \$3.60 Legislative	6/10/2011	7/11/2011		7/26/2011	Approved 9/14/2011	SB 302 HB 4171		
Natural Resources (58-46)	Terms Defining the Terms to be Used Concerning All Hunting and Trapping Rules \$2.60 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 303 HB 4219		
Natural Resources (58-47)	Prohibitions When Hunting and Trapping \$2.80 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 304 HB 4220		
Natural Resources (58-53)	General Trapping Rule \$2.60 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 305 HB 4221		
Natural Resources (58-61)	Special Fishing Rule \$3.20 Legislative	6/10/2011	7/11/2011		7/25/2011	Modified & Approved 9/14/2011 Filed 9/22/2011	SB 306 HB 4222		
Nursing Home Administrators Licensing Bd. (21-1)	Nursing Home Administrators \$5.00 Legislative	2/14/2011	3/16/2011		3/28/2011	Modified & Approved 10/11/2011 Filed 10/18/2011	SB 307 HB 4223		
Occupational Therapy (13-3)	Fees for Services Rendered by the Board \$4.00 Legislative	5/17/2011	6/30/2011		7/14/2011	Approved 9/14/2011	SB 308 HB 4172		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Oil and Gas (35-8)	Rules Governing Horizontal Well Development \$49.80 Legislative	9/8/2011	10/11/2011	8/22/2011 Approved 8/29/2011	11/21/2011				
Osteopathy (24-1)	Licensing Procedures for Osteopathic Physicians \$14.40 Legislative	6/1/2011	7/1/2011		7/28/2011	Approved 9/14/2011	SB 309 HB 4173		
Personnel (143-1)	Administrative Rule of the WV Div. of Personnel \$14.30 Legislative	5/20/2011	6/30/2011		7/22/2011	Modified & Approved 11/14/2011 Filed 11/18/2011	SB 310 HB 4224		
Personnel (143-3)	Workers' Compensation Temporary Total Disability \$3.20 Legislative	5/20/2011	6/30/2011		7/22/2011	Modified & Approved 11/14/2011 Filed 11/18/2011	SB 311 HB 4225		
Pharmacy (15-2)	Rules of the Bd. of Pharmacy for the Uniform Controlled Substances Act \$9.40 Legislative	6/23/2011	7/25/2011		7/29/2011	Approved 10/12/2011	SB 313 HB 4175		
Pharmacy (15-3)	Bd. of Pharmacy Rules for the Continuing Education for Licensure of Pharmacists \$5.60 Legislative	6/23/2011	7/25/2011		7/29/2011	Approved 10/12/2011	SB 314 HB 4176		
Pharmacy (15-5)	Licensure of Wholesale Drug Distributors \$5.80 Legislative	6/23/2011	7/25/2011		7/29/2011	Approved 10/12/2011	SB 315 HB 4177		
Pharmacy (15-12)	Bd. of Pharmacy Rules Regarding Immunizations Administered by Pharmacists \$6.20 Legislative	9/14/2011	10/20/2011		12/8/2011	Approved 12/14/2011	SB 312 HB 4174		
Professional Surveyors (23-1)	Examination and Licensing of Professional Surveyors in WV \$4.40 Legislative	5/17/2011	6/21/2011		7/12/2011	Modified & Approved 11/14/2011 Filed 11/21/2011	SB 323 HB 4231		



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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Public Service Commission (150-8)	Rules and Regulations for the Government of Railroad Safety and Sanitation \$9.80 Legislative Exempt	3/31/2011	Hearing 6/2/2011 Written Comments 4/29/2011 Hearing 7/18/2011						
Public Service Commission (150-9)	Rules Governing Motor Carriers, Private Commercial Carriers, and the Filing of Evidence of Insurance and Financial Responsibility by Motor Carriers \$15.50 Legislative Exempt	7/28/2011	8/29/2011						
Racing Commission (178-6)	Due Process & Hearings \$5.80 Procedural	1/19/2012	2/21/2012						
Racing Commission (178-7)	Simulcast Pari-Mutuel Wagering at Authorized Gaming Facility in Historic Resort Hotel \$5.20 Legislative	7/15/2011	8/15/2011	7/14/2011 Approved 7/22/2011	9/13/2011	Approved 12/14/2011	SB 316 HB 4178		
Real Estate Appraiser Licensing & Certification Board (190-4)	Investigative & Hearing Procedures \$3.80 Procedural	5/12/2012						1/25/2012	3/1/2012
School Building Authority (164-1)	School Building Authority Policy & Procedures Handbook \$44.50 Procedural	7/6/2011 12/30/2011	8/8/2011 2/5/2012						
Secretary of DHHR; Insurance Comm.; and Chair of the Health Care Authority (114A-1)	All-Payer Claims Database – Data Submission Requirements \$3.80 Legislative	6/14/2011	7/14/2011		7/28/2011	Modified & Approved 10/11/2011 Filed 10/21/2011	SB 319 HB 4228		
Secretary of DHHR; Insurance Comm.; and Chair of the Health Care Authority (114A-2)	All-Payer Claims Database Program's Privacy and Security Rule \$4.60 Legislative	6/8/2011	7/8/2011		7/28/2011	Approved 10/11/2011	SB 320 HB 4179		
Secretary of State (153-39)	Vote-by-Mail Pilot Project Phase 2: Voting by Mail \$5.60 Legislative	6/30/2011	7/29/2011		7/29/2011	Modified & Approved 12/14/2011 Filed 12/23/2011	SB 317 HB 4226		

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AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Secretary of State (153-42)	Rules for General Management and Preservation of State Records \$3.20 Legislative	6/30/2011	7/29/2011		7/29/2011	Modified & Approved 1/8/2012 Filed 1/12/2012	SB 318 HB 4227		
State Police (81-3)	WV State Police Career Progression System \$5.20 Legislative	5/18/2011	6/21/2011		7/25/2011	Modified & Approved 12/14/2011 Filed 1/6/2012	SB 321 HB 4229		
State Police (81-4)	Modified Vehicle Inspection Manual \$5.00 Legislative	6/16/2011	7/18/2011		7/25/2011	Modified & Approved 12/14/2011 Filed 1/6/2012	SB 322 HB 4230		
Tax Department (110-10D)	Use and Acceptance of Electronic Records \$4.40 Procedural	10/28/2011	11/28/2011					11/29/2011	12/30/2011
Tax Department (110-10F)	Payment of Taxes by Electronic Funds Transfer \$5.60 Legislative	1/26/2011	2/24/2011	12/29/2010 Approved 2/8/2011	4/21/2011	Modified & Approved 7/13/2011 Filed 8/5/2011	SB 324 HB 4232		
Tax Department (110-13Q)	Commercial Patent Incentives Tax Credit \$4.80 Legislative	6/1/2011	7/1/2011		7/18/2011	Modified & Approved 9/14/2011 Filed 11/22/2011	SB 325 HB 4233		
Tax Department (110-15J)	Per se Exemption for Purchases by Contractors Performing Contracting for Government-owned Water or Sewer Utilities or Public Service District Water or Sewer Utilities \$3.00 Interpretive	8/19/2011	9/23/2011					10/13/2011	11/15/2011
Tax Department (110-50G)	Exchange of Information Agreement Between the State Tax Dept and the Dept of Commerce, the Dept of Transportation and the Dept of Environmental Protection \$3.00 Legislative	6/17/2011	7/18/2011		7/29/2011	Modified & Approved 9/14/2011 Filed 11/22/2011	SB 326 HB 4234		
Waste Management, Div. of Water & Waste Mgmt. (33-1)	Solid Waste Management Rule \$26.50 Legislative	6/13/2011	7/12/2011		7/29/2011	Approved 11/14/2011	SB 258 HB 4155		

**RULE MONITOR**

AGENCY/SERIES NO	RULE	NOTICE	HEARING	EMER RULE	SEC/STATE	LRMRC-ACTION	LEGIS	FINAL FILE	EFFECTIVE
Waste Management, Div. of Water & Waste Mgmt.. (33-20)	Hazardous Waste Management System \$10.00 Legislative	6/9/2011	7/12/2011		7/28/2011	Approved 11/14/2011	SB 259 HB 4156		
Workers' Comp. by the Insurance Comm. (85-11)	Employer Default, Enforcement, Collections and Related Matters \$8.20 Legislative Exempt	1/17/2012	2/16/2012						

STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
State: West Virginia

2017 FEB - 6  
OFFICE OF THE  
SECRETARY OF STATE  
ATTACHMENTS 4.19-B  
M 9:22  
FILED  
LEGISLATIVE

PERSONAL CARE

4.19 Payments for Medical and Remedial Care and Services  
Methods and Standards for Establishing Payment Rates

(iv) Meal - \$3.00 per meal during travel time.

Lodging - the most economical resources available recommended by the medical facility at destination.

26.

Personal Care Services

Personal Care services will be reimbursed using a statewide fee-for-service rate schedule based on units of services authorized in the approved plan of care. Payment for Personal Care services under the State Plan will not duplicate payments made to public agencies or private entities under other program authorities for the same purpose. Medicaid will be the payer of last resort. Unless specifically noted otherwise in the plan, the state-developed fee schedule rate is the same for both governmental and private providers. Providers will be reimbursed at the lesser of the provider's usual and customary billed charge or the Bureau for Medical Services (Bureau) fee schedule.

Personal care services are limited on a per unit, per month basis (15 minutes per unit) with all services subject to prior authorization. Individuals can receive up to a maximum of 840 units (210 hours) each month.

Rate Methodology:

Rates for Personal Care services are developed using a market-factor rate-setting model. The model reflects individual service definition, operational service delivery, administrative, capital and technology considerations. The following factors are used in determining the rates:

- Wage - Wage data is obtained from the Bureau for Labor Statistics (BLS). The wage is based on two elements consisting of occupation/wage categories reported by BLS and identified by Medicaid staff as comparable to services delivered under the personal care program as well as results of a formal provider survey.
- Inflation - The base wage is adjusted by an inflationary factor determined by the percent change in Consumer Price Index (CPI-U, U.S. City: All Items 1982-84 = 100) from base period 2009 to current rate period.
- Payroll Taxes - The payroll taxes factor represents the percentage of the employer's contribution to Medicare, Social Security, workers' compensation and unemployment insurance.
- Employee Benefits - The employee benefits factor represents the percentage of employer's contribution to employee health insurance and retirement benefits. The employee benefit factor varies by employee type. This factor is discounted to reflect the Medicaid agency's share of cost based on the Medicaid payer mix.
- Allowance for Administrative Costs - The allowance for administrative costs factor represents the percentage of service costs that results from non-billable administrative activities performed by direct care staff and services provided by employer administrative support and executive staff. This factor is discounted to the Medicaid payer mix as determined by provider survey conducted in 2010 and 2011.
- Allowance for Transportation Costs - The allowance for transportation costs factor represents an allowance for average travel time by the provider as indicated by the provider survey.
- Allowance for Capital and Technology - The allowance for capital and technology factor represents weighting of various income and balance sheet account information and provider survey data to calculate a capital and technology cost per dollar of employee wages. This factor is discounted to reflect the Medicaid agency's share of cost based on the Medicaid payer mix.
- Room and Board - Room and Board shall not be a component used in developing the rate methodology.

TN No: 11-011 Approval Date: \_\_\_\_\_ Effective Date: \_\_\_\_\_  
Supersedes: 09-08

... STATE PLAN UNDER TITLE XIX OF THE SOCIAL SECURITY ACT  
State: West Virginia

Attachments 4.19-B  
Page 16

PERSONAL CARE

The following steps are used to determine the rates:

1. The State will use West Virginia specific hourly wages from BLS that are adjusted to provider participation mix rates and average wage level percentiles as indicated by the provider survey.
2. The base hourly wage rate will be adjusted for annual inflation by calculating the percent change in CPI between the base year (2009) and that of the current rate review period.
3. All rate factors, excluding mileage, will use the inflation adjusted base wage rate as determined in Step 2 above in calculating the additional rate components.
4. The percentage of payroll, applicable employee benefits, administrative allowances, capital and technology factors are each multiplied by the inflation adjusted wage rate to determine the rate components.
5. The mileage rate component is determined by multiplying the State employee mileage rate by the average miles traveled as indicated by the provider survey.
6. The sum of all rate components described in Steps 2-5 will equal the allowable service rate.

The Bureau's rates were set as of October 1, 2011 and are effective for services on or after. Rates will be published on the Bureau's website at: [www.dhhr.wv.gov/bms](http://www.dhhr.wv.gov/bms).

TN No: 11-011 Approval Date: JAN 27 2012 Effective Date: 10-01-11  
Supersedes: NEW

TN No 11-011  
Supersedes 09-08

Approved 1-27-12

Effective 10-01-11

JW



STATE OF WEST VIRGINIA  
DEPARTMENT OF HEALTH AND HUMAN RESOURCES

Earl Ray Tomblin  
Governor

Bureau for Children and Families  
Commissioner's Office  
350 Capitol Street, Room 730  
Charleston, West Virginia 25301-3711  
Telephone: (304) 356-4521 Fax: (304) 558-4194

Michael J. Lewis, M.D., Ph.D.  
Cabinet Secretary

February 1, 2012

Natalie Tennant, Secretary of State  
Building 1, Suite 157-K  
1900 Kanawha Boulevard, East  
Charleston, West Virginia 25305-0770

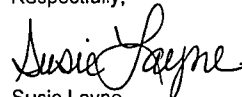
Dear Ms. Tennant:

Enclosed you will find two copies of the Adult Protective Services Policy Chapter 1 that is effective February 1, 2012.

Upon receipt of policy, please provide confirmation.

If you have any questions, please don't hesitate to contact me at 304-356-4573 or via e-mail at [Susie.E.Layne@wv.gov](mailto:Susie.E.Layne@wv.gov)

Respectfully,

  
Susie Layne  
Program Specialist Senior

Enclosures

LEGISLATIVE

WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In This Box

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2012 FEB -8 PM 4:47

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Health Care Authority/West Virginia Health Information Network TITLE NUMBER: 65

RULE TYPE: Legislative CITE AUTHORITY: WV Code 16-29G-7 and 16-29B-8(a)(1)

AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: N/A

TITLE OF RULE BEING AMENDED: N/A

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 28

TITLE OF RULE BEING PROPOSED: West Virginia Health Information Network Rule

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON February 9, 2012 AT March 9, 2012 10:00 am ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS:

West Virginia Health Information Network

100 Dee Drive

Charleston, West Virginia 25311

Attn: Philip Weikle, Chief Operating Officer

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

  
Authorized Signature

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

156.40

**WEST VIRGINIA  
SECRETARY OF STATE  
NATALIE E. TENNANT  
ADMINISTRATIVE LAW DIVISION**  
Form #7

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2012 FEB -8 PM 4:34

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

EMERGENCY

Effective Date

**NOTICE OF AN EMERGENCY RULE**

AGENCY: West Virginia Health Care Authority/West Virginia Health Information Network TITLE NUMBER: 65

CITE AUTHORITY: WV Code 16-29G-7 and 16-29B-8(a)(1)

EMERGENCY AMENDMENT TO AN EXISTING RULE: YES ☐ NO ☒

IF YES, SERIES NUMBER OF RULE BEING AMENDED: N/A

TITLE OF RULE BEING AMENDED: N/A

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: 28

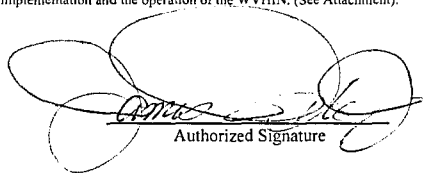
TITLE OF RULE BEING PROPOSED: West Virginia Health Information Network Emergency Rule (65CSR28)

THE ABOVE RULE IS BEING FILED AS AN EMERGENCY RULE TO BECOME EFFECTIVE AFTER APPROVAL BY SECRETARY OF STATE OR 42ND DAY AFTER FILING, WHICHEVER OCCURS FIRST.

THE FACTS AND CIRCUMSTANCES CONSTITUTING THE EMERGENCY ARE AS FOLLOWS:

The proposed West Virginia Health Information Network Emergency Rule (65 CSR 28) is necessary to preserve a \$7,819,000 American Recovery and Reinvestment Act of 2009 (ARRA) Grant and to provide for the rights, privileges and interests of those participating in the West Virginia Health Information Network (WVHIN) pilot sites in Wheeling and Morgantown, West Virginia. The proposed emergency rule will establish the standards for the development, the implementation and the operation of the WVHIN. (See Attachment).

Use additional sheets if necessary

  
Authorized Signature

X6-80

# Orders Report

<b>Docket Number</b>	<b>Agency</b>	<b>Respondent</b>	<b>Decision Date</b>
N/A	Health and Human Resources	Health Facility Licensure Fees	2/6/2012
11-3-9397-X/BH	Health Care Authority	The Domestic Survivors Support Group Inc.	2/1/2012
12-2/3-9571-X	Health Care Authority	Ambulatory Neurological Services, LLC	2/2/2012
11-6-9557-X	Health Care Authority	Preston Memorial Hospital	2/2/2012
12-AP-FINCON-02000	Insurance Commission	Farmers Mutual Insurance Co.	2/2/2012
2010-03	Physical Therapy	Ferdinand Sorongon, P.T.	8/29/2011

**WEST VIRGINIA ETHICS COMMISSION ADVISORY OPINIONS**

NO.	OPINION SOUGHT
2011-22	A Government funded non-profit organization asks whether an employee of the State agency that funds it may serve on the non-profit organization's board.
2012-01	A Mayor asks whether a City Council Member may be employed by the City as its Building Official and, if so, what limitations apply under the Ethics Act.
2012-02	A County Commissioner, who is also a license real estate sales associate, asks whether the County may purchase property from a real estate business with which he is associated.
2012-03	A County Agency asks if it may employ a relative of one of its supervisors without violating the Ethics Act.
2012-04	An Attorney for a Municipal Water Board asks if the Ethics Act permits the Board to employ the Board's Chairperson as its Supervisor.
2012-05	A Public Employee who is a candidate for County Commission asks whether he may, if elected, vote on matters affecting his public employer.
2012-06	An Elected Member of the Board of Public Works asks whether a business which has a financial relationship with the State may pay his travel expenses for him to serve as a speaker on a panel at an international government forum.





STATE OF WEST VIRGINIA  
DEPARTMENT OF ADMINISTRATION  
OFFICE OF THE CABINET SECRETARY

EARL RAY TOMBLIN  
GOVERNOR

FILED  
2012 FEB -3 PM 2:31

OFFICE WEST VIRGINIA  
SECRETARY OF STATE  
ROBERT W. FERGUSON, JR.  
CABINET SECRETARY

February 2, 2012

I am pleased to provide you with the Department of Administration's fiscal year 2012 Fact Sheets.

These documents provide a concise breakdown on all the divisions, agencies and programs administered by the Department. It is provided to you as a reference guide and a point of departure for further discussion. Please note that all information provided is current as of January 17, 2012. Several fact sheets will change over time as policy, rules, legislation and budgets change. For example, the fact sheet on OPEB will change throughout the year.

On behalf of all the employees of the Department, thank you for your continued interest and support.

Montani Semper Liberi

ROBERT W. FERGUSON, JR.  
Cabinet Secretary

OTHER



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2012 FEB -6 AM 9:22

west virginia department of environmental protection  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

Division of Air Quality  
601 57<sup>th</sup> Street SE  
Charleston, WV 25304  
Phone 304/926-0475 • FAX: 304/926-0479

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
www.dep.wv.gov

# Notice of Draft 2012 CAIR NOx Ozone Season Allowance Allocation Compliance Order and Public Comment Period

The West Virginia Department of Environmental Protection, Division of Air Quality (DAQ) proposes to issue a Clean Air Interstate Rule (CAIR) NOx Ozone Season Allowance Allocation Compliance Order. This Draft Compliance Order establishes the 2012 CAIR NOx Ozone Season allowance allocation for Unit 002 at the PPG Industries Natrium Plant (WV ID# 051-00002) located in New Martinsville, West Virginia. Unit 002 is subject to the standard requirements and provisions of 45CSR40, *Control of Ozone Season Nitrogen Oxides Emissions*, and the CAIR NOx Ozone Season program administered by the U.S. Environmental Protection Agency. The CAIR Designated Representative for the PPG Industries Natrium Plant is Mr. J. Thomas Horan; PO Box 191, New Martinsville, WV 26155.

One CAIR NOx Ozone Season allowance authorizes the unit to emit one ton of nitrogen oxides during an ozone season, which is May 1 through September 30. By April 1, 2012, the Director will establish and allocate CAIR NOx Ozone Season allowances to Unit 002 by Order in accordance with the NOx allowance allocation provisions of 45CSR§40-43.

In accordance with 45CSR§40-43.4, the Director has determined the 2012 CAIR NOx Ozone Season allowance allocation for PPG Unit 002 equals 442 tons. This allocation was calculated using the unit's 2011 ozone season heat input of 849,318 mmBTU, multiplied by the boiler's baseline NOx emission rate of 1.04 lb/mmBTU, divided by 2000 lb/ton and rounded to the nearest whole number of NOx allowances (in tons).

Beginning January 27, 2012, the draft 2012 CAIR NOx Ozone Season Allowance Allocation Compliance Order may be viewed between 8:30 a.m. and 4:30 p.m. at the Division of Air Quality's Northern Panhandle Regional Office, 131A Peninsula Street, Wheeling, WV 26003 and at the Division of Air Quality main office, 601 57<sup>th</sup> SE, Charleston, WV 25304. Copies of this public notice and draft Compliance Order may be viewed on the internet at the following web address: <http://www.dep.wv.gov/daq/General/Pages/PublicNoticeandComment.aspx>. The draft Compliance Order may also be sent electronically upon e-mail request to: [delia.a.smith@wv.gov](mailto:delia.a.smith@wv.gov).

In accordance with 45CSR§40-43.3.b, this notice makes available to the public the 2012 CAIR NOx Ozone Season allowance allocation determined under 45CSR§40-43.3.a, and provides an opportunity for submission of objections to the determination. Such objections shall be limited to addressing whether the determination is in accordance with 45CSR§40-43.4. Send written objections and any request for a public hearing to John A. Benedict, Director, Division of Air Quality at the

Promoting a healthy environment.

above Charleston address. Please identify the draft document to which the objection applies, the commenter's name, address, and telephone number. Any person who requests a public hearing should identify any substantive issue they intend to raise in a hearing. If the Director finds that a public hearing will clarify any such substantive issue affecting the draft 2012 CAIR NOx Ozone Season Allowance Allocation Compliance Order, a public hearing will be announced in a timely manner.

Written objections regarding the draft 2012 CAIR NOx Ozone Season Allowance Allocation Compliance Order must be received by the DAQ by February 27, 2012, before 5:00 p.m. Objections submitted by U.S. Mail must be postmarked by February 27, 2012. Objections will also be accepted by fax (304-926-0479) or e-mail if transmitted by 5:00 p.m. on February 27, 2012 to: [delia.a.smith@wv.gov](mailto:delia.a.smith@wv.gov).

## OTHER

PUBLIC NOTICE

FILED

2012 FEB -6 AM 9: 22

WEST VIRGINIA MEDICAID PROGRAM

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

STATE PLAN AMENDMENT

REGARDING

FREE STANDING BIRTH CENTERS

Pursuant to 42 U.S.C. §1396a(a)(13)(1997) and 42 C.F.R. §447.205, the Department of Health and Human Resources ("Department"), Bureau for Medical Services ("Bureau") provides notice of the filing of a state plan amendment to include the prohibition on payments to institutions or entities located outside of the United States.

The purpose and rationale for this plan amendment is to comply with section 2301 of the Affordable Care Act that amends section 1902(a) of the Social Security Act. This plan amendment will be effective January 1, 2012.

This change is expected to create no fiscal impact.

Documents detailing these proposed actions will be available for public inspection in each county office of the Department of Health and Human Resources during normal business hours, 8:30 a.m. to 4:30 p.m., beginning February 10, 2012 to March 10, 2012 and on the web at: [www.dhhr.wv.gov/bms](http://www.dhhr.wv.gov/bms) under Public Notices.

Written comments may be sent to the West Virginia Department of Health and Human Resources, Bureau for Medical Services, 350 Capitol Street, Suite 251, Charleston, WV 25301-3706 or on the web at [www.dhhr.wv.gov/bms](http://www.dhhr.wv.gov/bms) under Public Notices or by email to [SPAComments@wv.gov](mailto:SPAComments@wv.gov). Any written comments received will be available for review at the above address during normal business hours of 8:30 a.m. to 4:30 p.m., beginning February 10, 2012 through March 10, 2012 or on the web at [www.dhhr.wv.gov/bms](http://www.dhhr.wv.gov/bms) under Public Notices.

Earl Ray Tomblin  
Governor

Michael J. Lewis, M.D., Ph.D., Secretary  
West Virginia Department of  
Health and Human Resources



James L. Pitrolo, Jr.  
Chairman

Board Members  
Sonia D. Chambers  
Marilyn G. White

OTHER

Notice of Review  
Page 2  
February 3, 2012

## NOTICE OF REVIEW

FOR IMMEDIATE RELEASE

February 3, 2012

NEWS ITEM

FILED  
2012 FEB -6 PM 3:38  
OFFICE WEST VIRGINIA  
SECRETARY OF STATE

The Health Care Authority (Authority), James L. Pitrolo, Jr., Chairman, pursuant to the Certificate of Need program, has declared complete and accepted for review the standard application referenced below:

February 2, 2012 – West Virginia University Hospitals, Inc., CON File #12-6-9573-H, Morgantown, Monongalia County, for the development of a 139-Bed Tower on the campus of WVUH; capital expenditure: \$280,400,000. The proposal has been included in Batching Category 10.1.a. as defined at W.Va. C.S.R. § 65-7-10.

An application that has been declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

On or before **March 12, 2012**, any affected person has the right to request that the Authority hold a public hearing on the project as part of the review. If a public hearing is conducted during the course of the review, a "Notice of Public Hearing", specifying the date, time and location of the hearing, will be issued to affected persons.

If no public hearing is requested, the file closing date will be **April 26, 2012**. After that date, no further information or evidence will be accepted by the Authority for the remainder of the review of the application, and no further contact with the Authority regarding the substance of the application will be permitted.

The decision on the project referenced above will be issued by the Authority after it has reviewed the contents of the case file of the project, including the application, additional information submitted to the Authority during the review, and the record of any Authority public hearing. If there is no request for public hearing, the decision will be issued on or before **May 11, 2012**.

A press release will be issued after the decision is made. Anyone wishing to be directly notified of the decision should submit a written request to Timothy E. Adkins, Director, Certificate of Need, Health Care Authority, 100 Dee Drive, Charleston, West Virginia, 25311-1600. Further information on any project referenced in this news release may be obtained by contacting the Certificate of Need office at telephone number (304) 558-7000.

February 3, 2012  
Date

James L. Pitrolo, Jr., Chairman  
Health Care Authority

OTHER

**DISTRIBUTION**

Raymona A. Kinneberg  
Bill J. Crouch & Associates, Inc.

The Honorable Natalie Tennant  
Secretary of State

Dennis Garrison, Director, Consumer Advocacy Division  
West Virginia Insurance Commission

James L. Pitrolo, Jr., Chairman  
Health Care Authority

CON Analyst

JLP/TEA

WEST VIRGINIA HEALTH CARE AUTHORITY  
CERTIFICATE OF NEED

100 Dee Drive  
Charleston, West Virginia 25311-1600  
2012 FEB -7 PM 4:40

February 6, 2012

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**LEGAL NOTICE**

James L. Pitrolo, Jr., Chairman, West Virginia Health Care Authority, announces the following Certificate of Need activities for the week ending February 3, 2012.

**LETTER OF INTENT FOR EXPEDITED REVIEW RECEIVED**

January 31, 2012 – Capital Aging Resources, Mineral Wells, Wood County, CON File #12-3/5/6/7-9584-PC, for the development of Non-Medical Senior Health Care Services in Wood, Wirt, Roane, Ritchie, Jackson, Kanawha, Calhoun, Clay, Pleasants, Gilmer, and Doddridge Counties; capital expenditure: \$6,500.

**APPLICATION DECLARED COMPLETE AND UNDER REVIEW**

An application declared complete is one in which there is sufficient information for the Authority to make an informed decision. It does not mean that the approval of the application is warranted.

**EXPEDITED APPLICATION**

January 30, 2012 – Monongalia General Hospital, Morgantown, Monongalia County, CON File #12-6-9572-H, for the renovation of the Hazel Ruby McQuain Birthing Center including the development of a dedicated C-Section Surgical Suite within the unit; capital expenditure: \$5,950,000.

The review cycle for the above-referenced projects is as follows:

**February 11, 2012** – Review cycle begins;

**February 21, 2012** – Last date for an affected person to present reasons why the applicant should complete a standard application to the Authority;

**March 12, 2012** – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of time and place will be given in the Saturday editions of the Charleston Gazette and the Charleston Daily Mail, as well as the State Register;

**March 13, 2012** – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority and no further contact with the Authority regarding the substance of the application will be permitted;

**April 16, 2012** – Decision on the project will be issued by the Authority.

## OTHER

### STANDARD APPLICATION

February 2, 2012 – West Virginia University Hospitals, Inc., Morgantown, Monongalia County, CON File #12-6-9573-H, for the development of a 139-Bed Tower on the campus of WVUH; capital expenditure: \$280,400,000.

The review cycle for the above-referenced projects is as follows:

**February 11, 2012** - Review cycle begins;

**March 12, 2012** – Last date for an affected person to request a public hearing on the project. If a public hearing is requested, notice of time and place will be given in the Saturday editions of the Charleston Gazette and the Charleston Daily Mail, as well as the State Register;

**April 26, 2012** – If no public hearing is requested, the file will close and no further information or evidence will be accepted by the Authority and no further contact with the Authority regarding the substance of the application will be permitted;

**May 11, 2012** – Decision on the project will be issued by the Authority.

### PROJECT DETERMINED NOT REVIEWABLE

February 2, 2012 – Ambulatory Neurological Services, LLC, Wilmette, Illinois, CON File #12-2/3-9571-X, for the provision of ambulatory electroencephalogram (AEEG) equipment and technologists to neurologists in the Charleston/Huntington area; capital expenditure: \$80,000.

### PROJECT EXEMPT FROM REVIEW

February 2, 2012 – Preston Memorial Hospital, Kingwood, Preston County, CON File #11-6-9557-X, for the development of a hospital ambulatory health care facility to be located in Reedsville along Route 7 in Preston County. Preston Memorial Urgent Care will be staffed by physician assistants and nurse practitioners overseen by a physician; capital expenditure: \$20,000.

### CERTIFICATE OF NEED APPROVAL ISSUED

February 1, 2012 – The Domestic Survivors Support Group, Inc. d/b/a Domestic Violence Counseling Center, South Charleston, Kanawha County, CON File #11-3-9397-X/BH, for the development of outpatient behavioral health counseling services; no capital expenditure.

Further information may be obtained on any of the above-referenced projects by contacting Timothy E. Adkins, Director, Certificate of Need Division.



**THE FOLLOWING ARE PUBLICATION DATES OF THE STATE REGISTER FOR 2012**

**DATES ARE THE DATES ALL FILINGS ARE TO BE RECEIVED IN THE  
SECRETARY OF STATE'S OFFICE IN ORDER FOR THE MATERIAL TO APPEAR IN  
THE STATE REGISTER PUBLISHED ON THE DATE LISTED.**

<u>Deadline Date</u>	<u>Publication Date</u>	<u>Meeting may be held on or after</u>	<u>Deadline Date</u>	<u>Publication Date</u>	<u>Meeting may be held on or after</u>
January 4, 2012	January 6, 2012	January 11, 2012	July 3, 2012	July 6, 2012	July 10, 2012
January 11, 2012	January 13, 2012	January 18, 2012	July 11, 2012	July 13, 2012	July 18, 2012
January 18, 2012	January 20, 2012	January 25, 2012	July 18, 2012	July 20, 2012	July 25, 2012
January 25, 2012	January 27, 2012	February 1, 2012	July 25, 2012	July 27, 2012	August 1, 2012
February 1, 2012	February 3, 2012	February 8, 2012	August 1, 2012	August 3, 2012	August 8, 2012
February 8, 2012	February 10, 2012	February 15, 2012	August 8, 2012	August 10, 2012	August 15, 2012
February 15, 2012	February 17, 2012	February 22, 2012	August 15, 2012	August 17, 2012	August 22, 2012
February 22, 2012	February 24, 2012	February 29, 2012	August 22, 2012	August 24, 2012	August 29, 2012
February 29, 2012	March 2, 2012	March 7, 2012	August 29, 2012	August 31, 2012	September 5, 2012
March 7, 2012	March 9, 2012	March 14, 2012	September 5, 2012	September 7, 2012	September 12, 2012
March 14, 2012	March 16, 2012	March 21, 2012	September 12, 2012	September 14, 2012	September 19, 2012
March 21, 2012	March 23, 2012	March 28, 2012	September 19, 2012	September 21, 2012	September 26, 2012
March 28, 2012	March 30, 2012	April 4, 2012	September 26, 2012	September 28, 2012	October 3, 2012
April 4, 2012	April 6, 2012	April 11, 2012	October 3, 2012	October 5, 2012	October 10, 2012
April 11, 2012	April 13, 2012	April 18, 2012	October 10, 2012	October 12, 2012	October 17, 2012
April 18, 2012	April 20, 2012	April 25, 2012	October 17, 2012	October 19, 2012	October 24, 2012
April 25, 2012	April 27, 2012	May 2, 2012	October 24, 2012	October 26, 2012	October 31, 2012
May 2, 2012	May 4, 2012	May 9, 2012	October 31, 2012	November 2, 2012	November 7, 2012
May 9, 2012	May 11, 2012	May 16, 2012	November 7, 2012	November 9, 2012	November 14, 2012
May 16, 2012	May 18, 2012	May 23, 2012	November 14, 2012	November 16, 2012	November 21, 2012
May 23, 2012	May 25, 2012	May 30, 2012	November 19, 2012	November 21, 2012	November 26, 2012
May 30, 2012	June 1, 2012	June 6, 2012	November 28, 2012	November 30, 2012	December 5, 2012
June 6, 2012	June 8, 2012	June 13, 2012	December 5, 2012	December 7, 2012	December 12, 2012
June 13, 2012	June 15, 2012	June 20, 2012	December 12, 2012	December 14, 2012	December 19, 2012
June 19, 2012	June 22, 2012	June 26, 2012	December 19, 2012	December 21, 2012	December 26, 2012
June 27, 2012	June 29, 2012	July 4, 2012	December 26, 2012	December 28, 2012	January 2, 2013

